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OFFICE OF THE GENERAL COUNSEL

MEMORANDUM

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TO: Chief, Dockets Branch

FROM: Associate General Counsel, Litigation Division FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

SUBJECT: Action for Children's Television, et al. v. FCC & USA, No. 93-1092 and The Pacifica Foundation, et al. v. FCC & USA, No. 93-1100. Filing of two new Petitions for Review in the United States Court of Appeals for the District of Columbia Circuit.

DATE: February 2, 1993

Docket No(s). GC Docket No. 92-223

File No(s).

This is to advise you that on January 27 and 29, 1993, Action for Children's Television, et al. and The Pacifica Foundation, et al. filed with the United States Court of Appeals for the District of Columbia Circuit a:

X Section 402(a) Petition for Review  
\_\_\_ Section 402(b) Notice of Appeal

of the following FCC decisions: In the Matter of Enforcement of Prohibitions Against Broadcast Indecency in 18 U.S.C. Sec. 1464, FCC 93-42, released January 22, 1993. Challenge to the adoption of regulations to establish the times of day during which indecent programming may not be broadcast on radio and television stations.

Due to a change in the Communications Act, it will not be necessary to notify the parties of this filing.

The Court has docketed these cases as Nos. 93-1092 and 93-1100 and the attorney assigned to handle the litigation of this case is Jane E. Mago.

  
Daniel M. Armstrong

cc: General Counsel  
Office of Public Affairs  
Shepard's Citations

JAN 20 11:30 AM

IN THE  
UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

ACTION FOR CHILDREN'S TELEVISION,  
AMERICAN CIVIL LIBERTIES UNION,  
ASSOCIATION OF INDEPENDENT  
TELEVISION STATIONS, INC.,  
CAPITAL CITIES/ABC, INC.,  
CBS INC.,  
FOX TELEVISION STATIONS, INC.,  
GREATER MEDIA, INC.,  
INFINITY BROADCASTING CORPORATION,  
MOTION PICTURE ASSOCIATION OF  
AMERICA, INC.,  
NATIONAL ASSOCIATION OF  
BROADCASTERS,  
NATIONAL PUBLIC RADIO,  
PEOPLE FOR THE AMERICAN WAY,  
POST-NEWSWEEK STATIONS, INC.,  
PUBLIC BROADCASTING SERVICE,  
RADIO-TELEVISION NEWS DIRECTORS  
ASSOCIATION,  
THE REPORTERS COMMITTEE FOR  
FREEDOM OF THE PRESS, and  
SOCIETY OF PROFESSIONAL JOURNALISTS,

Petitioners,

v.

FEDERAL COMMUNICATIONS COMMISSION  
and UNITED STATES OF AMERICA,

Respondents.

No. 93-1092

Filed: 1/27/93

PETITION FOR REVIEW

Pursuant to 47 U.S.C. § 402(a) and 28 U.S.C. § 2344, Action  
for Children's Television, American Civil Liberties Union,  
Association of Independent Television Stations, Inc., Capital

Cities/ABC, Inc., CBS Inc., Fox Television Stations, Inc., Greater Media, Inc., Infinity Broadcasting Corporation, Motion Picture Association of America, Inc., National Association of Broadcasters, National Public Radio, People for the American Way, Post-Newsweek Stations, Inc., Public Broadcasting Service, Radio-Television News Directors Association, The Reporters Committee for Freedom of the Press, and Society of Professional Journalists hereby petition the Court for review of an Order (the "Order") of the Federal Communications Commission ("the Commission"), adopted on January 19, 1993, released on January 22, 1993, and published in the Federal Register on January 25, 1993. A copy of the Order is attached to this Petition. Venue in this Court is proper under 28 U.S.C. § 2343.

Petitioners are aggrieved by the Order. The Commission's action in adopting the Order is in violation of the First and Fifth Amendments and is arbitrary and capricious and otherwise not in accordance with law. Wherefore, Petitioners request that the Commission's Order be set aside, modified, or reversed by this Court.

Respectfully submitted,



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UNITED STATES COURT OF APPEALS  
FOR DISTRICT OF COLUMBIA CIRCUIT

JAN 29 12 15 PM '93

THE PACIFICA FOUNDATION, NATIONAL  
FEDERATION OF COMMUNITY BROADCASTERS,  
AMERICAN PUBLIC RADIO, NATIONAL  
ASSOCIATION OF COLLEGE BROADCASTERS,  
INTERCOLLEGIATE BROADCAST SYSTEM,  
PEN AMERICAN CENTER, and ALLEN GINSBERG

Petitioners,

v.

FEDERAL COMMUNICATIONS COMMISSION  
and UNITED STATES OF AMERICA,

Respondents.

No.

93-1100  
Filed: 1/29/93

PETITION FOR REVIEW

Pursuant to 47 U.S.C. § 402(a) and 28 U.S.C. § 2344, The Pacifica Foundation, National Federation of Community Broadcasters, American Public Radio, National Association of College Broadcasters, Intercollegiate Broadcast System, Pen American Center, and Allen Ginsberg ("Pacifica et al.") petition this Court for review of an Order (the "Order") of the Federal Communications Commission ("the Commission") adopted on January 19, 1993 and released on January 22, 1993. A copy of the order is attached to this Petition. Venue in this Court is proper under 28 U.S.C. § 2343.

Petitioners Pacifica et al. are aggrieved by the Order. The Commission's action in adopting the Order is in violation of the First and Fifth Amendments to the Constitution of the United

States, is arbitrary and capricious and otherwise not in accordance with law.

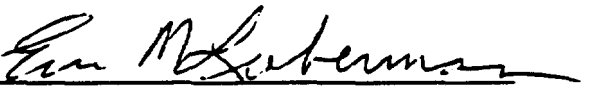
Wherefore, Petitioners hereby request that the Commission's Order be set aside, modified or reversed by this Court.

Respectfully submitted,

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